

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Brian R. Martinotti
v. :
JOSE TORRES : Crim. No. 20-418
: **ORDER**
:

This matter is before the Court for a hearing on (1) Defendant Jose Torres's ("Torres") August 22, 2022 Motion to proceed *pro se* (the "Self-Representation Motion")¹, (2) the Government's December 5, 2022 motion to require all future motions by Torres be pre-screened for compliance with the Court's prior orders and applicable rules (the "Filing Injunction Motion"); and (3) the Government's January 25, 2023 motion for contempt based on Torres's violation of the Court's January 6, 2023 and January 10, 2023 Orders (the "Contempt Motion"). Having reviewed the parties' submissions filed in connection with the August Motion (see ECF Nos. 174, 186, 196, 210), the December Motion (see ECF Nos. 193, 206, 207), and the January Motion (see ECF Nos. 218, 226, 227), having held hearings in this matter on January 6, 2023 and on February 22, 2023, and for the reasons set forth on the record at those hearings,

It is, on this 27th day of February, 2023,

¹ The portion of the Self-Representation Motion that related to Torres' request for hybrid representation was DENIED in a written order issued on January 10, 2023. ECF No. 215.

ORDERED that the Self-Representation Motion is GRANTED and Torres will be permitted to proceed *pro se*, and David Schafer, Esq. is hereby appointed stand-by counsel for Torres, *provided, however,* that, as explained on the record, any future violations of orders of this Court, or any applicable rules governing the litigation of this matter, may result in Torres' permission to proceed in this matter *pro se* being revoked, along with any other sanctions the Court deems appropriate;

ORDERED that the Filing Injunction Motion is GRANTED and Torres shall be required to submit all future *pro se* filings and subpoenas solely to Chambers for pre-screening for compliance with this Court's prior orders and any applicable rules governing the litigation of this matter, prior to being docketed and made publicly available;

ORDERED that, to ensure Torres' future filings in this matter fully comply with all orders and rules, Dennis Carletta, Esq., is hereby appointed to conduct the pre-screening of each such *pro se* filing and to provide a report and recommendation regarding its compliance (or not) to this Court to assist the Court in deciding whether to allow such filing to be made publicly available. A separate order formally appointing Mr. Carletta will be filed;

ORDERED, that any filings deemed in noncompliance shall be considered nullities and the Court will not address their merits;

ORDERED that although the Contempt Motion [218] is rendered MOOT because the relief requested—a filing injunction--has been granted in connection with the Filing Injunction Motion, nothing in this Order shall preclude the Government from seeking a finding of contempt based on additional violations by Torres, including, but not limited to, any of the provisions of this Order.



HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE